

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 01-CA-186158

**NATIONAL MAIL HANDLERS UNION,
BRANCH 83, LOCAL 301, a/w LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA**

DECISION AND ORDER

Statement of the Case

On August 9, 2017, the United States Postal Service (the Respondent), National Mail Handlers Union, Branch 83, Local 301, a/w Laborers' International Union of North America (the Union or Local 301), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

¹ We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in the performance of that function, including a facility located at 10 Celina Avenue, Nashua, New Hampshire (the Nashua, New Hampshire facility). The Board has jurisdiction over the Respondent and these matters by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

2. The labor organization involved

National Mail Handlers Union, a/w Laborers' International Union of North America and the Union are labor organizations within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Nashua, New Hampshire, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Failing or refusing to bargain collectively and in good faith with National Mail Handlers Union, Branch 83, Local 301, a/w Laborers' International Union of North America by failing to supply Local 301 with requested information in a timely manner that is necessary for, and relevant to its performance as the employees' bargaining agent, at its Nashua, New Hampshire facility, in the following unit:

All employees designated as Mail Handlers and defined in Articles 1 and 7, entitled "Union Recognition" and "Employee Classifications," respectively, of the National Agreement between the Union and Respondent.

(b) In any like or related manner interfering with, restraining, or coercing employees at the Nashua, New Hampshire facility in the exercise of the rights guaranteed them by Section 7 of the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Bargain collectively and in good faith with Local 301, the exclusive collective-bargaining representative of the Local 301 unit at the Nashua, New Hampshire facility.

(b) Supply Local 301 in a timely manner with requested information that is necessary for, and relevant to, Local 301's representation of the employees in the Local 301 unit at the Nashua, New Hampshire facility; and if the requested information does not exist, promptly inform Local 301 of that fact.

(c) Conduct training for its managers at the Nashua, New Hampshire facility on the legal requirements of responding to information requests filed by the Union.

(d) Within 14 days of service by the Region, (1) post at the Nashua, New Hampshire facility and (2) send to all its managers and supervisors at the Nashua, New Hampshire facility, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Region, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places at its Nashua, New Hampshire facility, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.

(e) Within 21 days after service by the Region, file with the Regional Director for Region 1 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., January 3, 2018

Mark Gaston Pearce, Member

Lauren McFerran, Member

William J. Emanuel, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Bargain collectively through a representative chosen by employees
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities

WE WILL NOT fail or refuse to bargain collectively and in good faith with National Mail Handlers Union, Branch 83, Local 301, a/w Laborers' International Union of North America (the Union), by failing to provide the Union in a timely manner with requested information that is necessary for, and relevant to, the Union's representation of the employees, as the employees' bargaining agents, in the following unit (the unit):

All employees designated as Mail Handlers and defined in Articles 1 and 7, entitled "Union Recognition" and "Employee Classifications," respectively, of the National Agreement between the Union and Respondent.

WE WILL NOT in any like or related manner interfere with, restrain or coerce employees in the exercise of your rights under Federal Law listed above.

WE HAVE PROVIDED the Union with the information it requested about June 20, 2016, concerning the information used in making the determination to abolish the Shape Sort Jobs at the Nashua, New Hampshire, facility.

WE WILL provide training to managers at the Nashua, New Hampshire facility on the legal requirements of responding to information requests filed by the Union.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/01-CA-186158 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

